

# MEMORANDUM

Agenda Item No. 8(N)(1)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

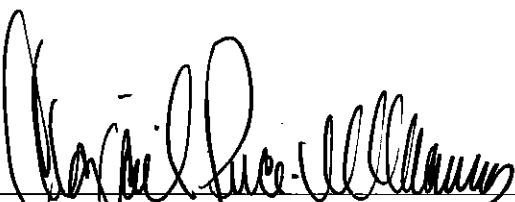
**DATE:** December 6, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution approving a maintenance map for a portion of NE 2 Avenue between NE 69 Street and NE 84 Street in Sections 12, 13 Township 53 South Range 41 East, and Sections 7, 18 Township 53 South Range 42 East authorizing the Chairman and the Clerk of the Board to certify the maintenance map and authorizing the recording thereof among the public records of Miami-Dade County, Florida and to take all actions necessary to effectuate same

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The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
Abigail Price-Williams  
County Attorney

APW/smm

# Memorandum



**Date:** December 6, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

**Subject:** Resolution Approving a Maintenance Map for a Portion of NE 2 Avenue Between NE 69 Street and NE 84 Street in Sections 12, 13, Township 53 South, Range 41 East, and Sections 7, 18, Township 53 South, Range 42 East, Authorizing the Chairman and the Clerk of the Board to Certify the Maintenance Map, and Authorizing the Recording Thereof Among the Public Records of Miami-Dade County, Florida

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## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached resolution approving a Maintenance Map for a portion of NE 2 Avenue between NE 69 Street and NE 84 Street, authorizing the Chairman and the Clerk of the Board to certify same, and authorizing the recordation thereof in the Public Records of Miami-Dade County (County), Florida.

## **Scope**

The subject road is located within Commission District 3, which is represented by Commissioner Audrey M. Edmonson.

## **Fiscal Impact/Funding Source**

There is no increase in maintenance cost to the County as a result of this action.

## **Track Record/Monitor**

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring this conveyance is Leandro Oña, P.E., Chief of Roadway Engineering and Right-of-Way Division.

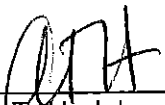
## **Background**

NE 2 Avenue between NE 69 Street and NE 84 Street has been constructed and maintained continuously by DTPW for a period over seven (7) years. Therefore, in accordance with Chapter 95.361 of the Florida Statutes, title to a road maintained by the County for over seven (7) years, shall be deemed to be dedicated to the public and vests in the County. Pursuant to such statute, the filing of a maintenance map in the Office of the Clerk of the Court, which has been certified by the Chairman and the Clerk of the Board is deemed prima facie evidence of that ownership by the County.

The subject Maintenance Map has been executed by the Assistant Director of Construction and Maintenance of DTPW, thereby certifying that the County has maintained this road for over seven (7) years. It is, therefore, recommended that the attached Maintenance Map be approved by the Board, after which it will be certified by the Chairman and the Clerk of the Board and recorded in the Public Records of Miami-Dade County, Florida in accordance with Chapter 95.361 of the Florida Statutes.

Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners  
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Both the original and the reproducible of the Maintenance Map are to be executed by the Chair and Clerk of the Board and returned to DTPW for recording in the Public Records of Miami-Dade County, Florida.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor

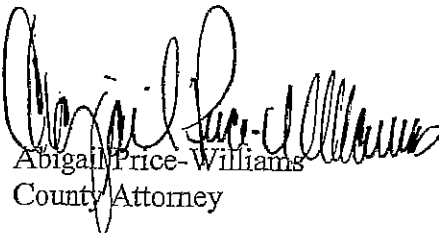


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** December 6, 2016

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(N)(1)  
12-6-16

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING A MAINTENANCE MAP FOR A PORTION OF NE 2 AVENUE BETWEEN NE 69 STREET AND NE 84 STREET IN SECTIONS 12, 13 TOWNSHIP 53 SOUTH RANGE 41 EAST, AND SECTIONS 7, 18 TOWNSHIP 53 SOUTH RANGE 42 EAST AUTHORIZING THE CHAIRMAN AND THE CLERK OF THE BOARD TO CERTIFY THE MAINTENANCE MAP AND AUTHORIZING THE RECORDING THEREOF AMONG THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

**WHEREAS**, the Director of the Department of Transportation and Public Works has recommended that an Official Maintenance Map, stating that such road has vested in the County, be filed for record to indicate prima facie evidence of ownership, pursuant to the provisions of Chapter 95.361 of the Florida Statutes and the County Manager has concurred in such recommendation,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. This Board ratifies and adopts these matters set forth in the foregoing recitals.

Section 2. The Board approves the Maintenance Map for a portion of NE 2 Avenue between NE 69 Street and NE 84 Street in Sections 12, 13, Township 53 South, Range 41 East, Sections 7, 18 Township 53 South, Range 42 East, attached as Exhibit "A", and authorizes the Chairman and the Clerk of the Board to certify same pursuant to Chapter 95.361 of the Florida Statutes.

Section 3. Pursuant to Resolution No. R-974-09, this Board (a) directs the County Mayor or Mayor's designee to record any instruments executed in connection herewith which create or reserve a property interest in favor of the County, in the Public Records of Miami-Dade County, Florida; and to provide a recorded copy of instruments to the Clerk of the Board within thirty (30) days of execution of said instruments; and (b) directs the Clerk of the Board to attach and permanently store a recorded copy of said instruments together with this resolution.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman

Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Joe A. Martinez

Rebeca Sosa

Xavier L. Suarez

Daniella Levine Cava

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Sen. Javier D. Souto

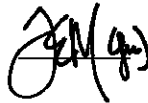
The Chairperson thereupon declared the resolution duly passed and adopted this 6<sup>th</sup> day of December, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.




Debra Herman





**AFFIDAVIT**

THIS IS TO CERTIFY THAT I, Manuel O. Garcia, Assistant Director of Construction and Maintenance of the Miami-Dade County Department of Transportation and Public Works have determined, to the best of my knowledge, that Miami-Dade County road forces have maintained along NE 2 Avenue between NE 69 Street and NE 84 Street, the pavement, signing, concrete sidewalks, curb and gutters, drainage, and swales of the road thereof, in Miami-Dade County, Florida, for at least seven (7) years.



Manuel O. Garcia,  
Assistant Director of  
Construction and Maintenance  
Department of Transportation and Public Works  
Miami-Dade County

STATE OF FLORIDA  
COUNTY OF DADE

The foregoing instrument was acknowledged before me this 7<sup>TH</sup> day of SEPTEMBER, 2016 by Manuel O. Garcia, who is personally known to me and who did take and oath.



NOTARY PUBLIC STATE OF FLORIDA

MY COMMISSION EXPIRES: 6/9/2018  
COMMISSION/SERIAL NO. FF 130940

